THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.16168 of 2006

03.8.2006

Between:

Vishva Bharathi Yuvajana Sangham, represented by its General Secretary, A.Chittamachari, Bholakpur, Hyderabad

… Petitioner

AND

The District Collector, Hyderabad

And another

… Respondents

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WRIT PETITION No.16168 of 2006

ORDER:

Vishva Bharathi Yuvajana Sangham filed the instant writ petition seeking a writ of Mandamus directing the respondents 1 and 2, namely, the District Collector and the Mandal Revenue Officer, Secunderabad Mandal (MRO), not to dispossess or demolish the property of the petitioner bearing No.1-4-387 admeasuring 145 Sq.yards situated at Bholakpur, Hyderabad, without any notice and declare the highhanded action of the respondents in trying to dispossess the petitioners as illegal and arbitrary.

It is the case of the petitioners that they purchased the property under registered sale deed dated 13.6.2004 by collecting donations. The petitioner also alleges that the property has been in possession of petitioner's vendor for more than hundred years, but on 28.7.2006 and 29.7.2006, the second respondent came along with the Police and threatened to demolish the structures of the petitioner. Therefore, the present writ petition is filed.

At the stage of admission itself, learned Assistant Government Pleader for Revenue (General) has obtained instructions from the MRO. He submits that the District Collector requested the MRO, Musheerabad, to visit Chunnu Miya Graveyard situated at Bholakpur village, where illegal constructions are going on in premises No.1-4-387. Subsequently, the MRO, Musheerabad, informed the respondents that the area falls within the jurisdiction of the second respondent and, therefore, the second respondent visited spot, which falls in T.S.No.26, Block-I, Ward No.110 and it was noticed that an extent of 242 Sq.Meters is encroached by M/s.Venugopal Goud, G.Srinivasa Rao and others. A sketch plan was prepared by the surveyor of the office. The other allegations made by the petitioner are denied. Learned Assistant Government Pleader submits that even before some action could be taken, the present writ petition is filed. The allegation that there was threat of demolition is also denied.

After hearing the learned Counsel for the petitioner and learned Assistant Government Pleader for Revenue (General), this Court is of

considered opinion that the writ petition is filed without any proper factual foundation and on mere apprehension. There cannot be any manner of doubt that if the petitioner is to be evicted from the property, which is allegedly in T.S.No.26, Block-I, Ward No.110 of Bholakpur village of Secunderabad, the same can only be done for proper reasons and after following due procedure of law.

The writ petition is misconceived and is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

August 03, 2006.
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